

IN THE UNITED STATES DISTRICT FOR
THE NORTHERN DISTRICT OF CALIFORNIA

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MEMORANDUM OF POINTS AND AUTHORITIES:

The local rules for the United States District Court for the Northern District of California at section 7(d) state that once a reply is filed, no additional memoranda, papers or letters may be filed without prior Court approval. Plaintiff filed her opposition to the Defendant's Motion to Dismiss on or around January 19, 2007. Defendant's filed their reply on or around February 9, 2007.

Though Plaintiff conducted extensive legal research and provided important legal authority, just before Plaintiff's opposition was due, Judge White for the United States District Court for the Northern District of California issued an Order that sheds light on Plaintiff's Section 504 of the Rehabilitation Act and American's With Disabilities Act claims vis a vis her Individuals With Disabilities in Education Improvement Act of 2004 claims ("IDEIA"). (*See* RJN at Exh. A). The Order was difficult to find in time necessary to include it in Plaintiff's opposition brief. Though the Order is in slip opinion format, it is citable and it certainly is valuable and imperative that this Court have before it all of the relevant authority especially since the case before Judge White is factually and legally significant. Both this case and the case before Judge White involve questions related to the IDEIA, Section 504 and the ADA.

Also, Plaintiff cannot anticipate that any prejudice can occur by issuing this request. On or around January 24, before Defendant's reply to the opposition was due, Plaintiff, through undersigned counsel, notified and identified the single authority to Defendant's counsel, Amy Levine, that is the subject of this present request for Court approval. (*See* Dec. of Mandy Leigh). As such, not only was Defendant put on notice of the authority, Defendant still has ample time, if Defendant so chooses, prior to the hearing to address the attached authority. (*See* RJN at Exh. A).

IV. Conclusion

As set forth above, Plaintiff requests that this Court approve Plaintiff's request for providing the attached supplemental authority in support of her opposition to Defendant's Motion to Dismiss.

DATED: February 13, 2007

_____/s/Mandy G. Leigh_____

Mandy G. Leigh

Attorney for Plaintiff K.S.